

REMARKS

Reconsideration of the application is requested.

Claims 6-9, 12, and 13 are now in the application. Claims 6-9, 12, and 13 are subject to examination. Claims 6 and 12 have been amended. Claims 10 and 11 have been canceled to facilitate prosecution of the instant application.

Under the heading "Specification" on page 2 of the above-identified Office Action, the Examiner required a new title.

The title has been changed to: "MIM FORCE MEASURING DEVICE".

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 6-13 have been rejected as being obvious over U.S. Patent No. 6,087,598 to Munch in view of U.S. Patent No. 6,089,106 to Patel et al. and further in view of U.S. Patent No. 3,263,496 to Fathauer under 35 U.S.C. § 103. Applicants respectfully traverse, in part.

The limitations of claims 10 and 11 have been added to claim 6. Claim 6 now specifies the following:

the housing includes at least four U-shaped spring elements, with a pair of two spring elements respectively pointing in a common direction from the sectional plane; and

the lower housing part includes a securing lug between each said pair of two spring elements, the lugs enabling the force measuring device to be rigidly connected to a motor vehicle chassis.

With regard to claim 11, the Examiner stated that lugs or bolts are a common fastener and it would have been obvious to use them in the device of Munch. Applicants respectfully point out that claim 11 did not merely specify that lugs are used, but rather specified a particular placement of the lugs with respect to the spring elements.

Claim 6, which has been amended to include the limitations of claims 10 and 11, specifies that a securing lug is located between each said pair of two spring elements. The Examiner may refer to Figs. 2 and 4, which for example show, a lug 4 between the pair of spring elements 21 and 24, and a lug between the pair of spring elements 23 and 22.

By configuring the lugs between the spring elements in this manner, the housing can be made with a small vertical height, which is advantageous because of the limited space between the vehicle seat and the vehicle chassis. The prior art does not teach or suggest this configuration.

Furthermore, it is believed that Munch could not have been modified to have a securing lug between each said pair of two spring elements. The mounting member 222 has a flat base for mounting to the vehicle chassis, and this flat

base is significantly below the location of the guide elements (spring elements) 232 and 234. Even if each of the guide elements 232 and 234 of Munch were replaced with a pair of guide elements, and even if lugs were configured on the flat base of the mounting member 222, each lug would not be between a pair of guide elements, but rather would be below the pair of guide elements.

It is respectfully believed that when the prior art is considered as a whole as required by the Graham Factual Inquiries set forth in MPEP 2141 Section II, they do not suggest the desirability of the combination nor do they make the claimed invention obvious. Therefore applicants respectfully believe that the references must have been viewed with the benefit of impermissible hindsight vision afforded by the claimed invention.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 6. Claim 6 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 6.

In view of the foregoing, reconsideration and allowance of claims 6-9, 12, and 13 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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